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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/033,909	03/03/1998	YUZO KIKUCHI	KIKUCHI=2	2662
1444	7590	06/02/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			WACHTEL, ALEXIS A	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/033,909

Applicant(s)

KIKUCHI, YUZO

Examiner

Alexis Wachtel

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eb

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 74-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,286,007 to Oellerking in view of US 1,871,570 to Weber.

Oellerking discloses a fabric comprising a welding portion and a fixing portion. The welding portion comprises a weldable plastic material. The fabric may also comprise a fixing portion, (i.e., a non-coated portion). Since a fabric necessarily comprises fibers and since the weldable material comprises warp fibers and since the weldable material comprises a thermoplastic coating on a fabric, Oellerking inherently teaches that the welding portion comprises warp fibers which are coated with a thermoplastic material (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15). Oellerking's welding fabric, also referenced as a patch has applications besides sheet repair. In particular, the patch can be used for any other sheet to which it can be welded (Col 3, lines 15-21).

Weber and Oellerking as set forth above fails to teach that the welding portion extends only across part of the width of the welding fabric; that the welding portion is only at each end of the width of the welding fabric; that the

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welding portion is solely in the middle portion of the welding fabric; that the welding portion is solely at each end of the welding fabric. However, since Oellerking does teach that weldable coating is applied to facilitate bonding the fabric to a substrate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the weldable coating to the fabric in the pattern which would have most facilitated the bonding of the fabric to a substrate (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15).

Oellerking also differs from the claimed invention because Oellerking does not teach incorporating auxiliary fixing means into the fixing portion (i.e, the non-coated portion) of the welding fabric disposed as holes or a loop strap. Weber is directed to tarpaulin structures and teaches the concept that tarpaulins can use patches provided with tie loops anchoring means. Said tie loop anchoring means are provided at the edge of the tarpaulin to receive a rope or other means for securing the tarpaulin over the object to be covered. Said anchoring means are provided as tie loops at spaced intervals on said tarpaulin (pp.1, Col 1, lines 29-52). Said tie loop anchoring means are anchored to the tarpaulin by patches that help distribute the pull exerted by each tie loop. The patch and tie loops are adhered to the tarpaulin by adhesive (pp.2, Col 2, lines 15-49). Examiner notes that the ties loops and patch become a unified structure on attachment to the tarpaulin. Oellerking has clearly enabled the welding patch to be used for applications other than tarp repair, and since it is known to provide holes or provide looped straps of fabrics which are used with tarpaulins or covers so that the fabrics can be tied to whatever the fabric is covering, it would have been

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obvious to have similarly incorporated means for tying or otherwise securing the welded material to whatever the welded material was going to cover, especially if the patch was going to be welded to the fabric in an area which already comprised such holes and/or straps, since the patch would otherwise cover the holes and/or straps. In particular, it would have been obvious for one of ordinary skill to have used Oellerking's welding patch provided with an integral tie loop structure or a strap with a hole bored in to it to be welded to a tarpaulin. One of ordinary skill would have been motivated by the desire to provide said tarpaulin with an anchoring means whereby said tarpaulin could be anchored to other structures such as buildings, columns, stakes fences, etc. Examiner notes that the integral loop structure or strap with a holed bored into it reads on both fixing portion and auxiliary fixing means.

3. Claims 74-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,871,570 to Weber in view of US 4,286,77 to Oellerking.

Weber is directed to tarpaulin structures and teaches the concept that tarpaulins can use patches provided with tie loops anchoring means. Said tie loop anchoring means are provided at the edge of the tarpaulin to receive a rope or other means for securing the tarpaulin over the object to be covered. Said anchoring means are provided as tie loops at spaced intervals on said tarpaulin (pp.1, Col 1, lines 29-52). Said tie loop anchoring means are anchored to the tarpaulin by patches that help distribute the pull exerted by each tie loop. The patch and tie loops are adhered to the tarpaulin by adhesive (pp.2, Col 2, lines 15-49). Examiner notes that the ties loops and patch become a unified structure

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on attachment to the tarpaulin. Examiner notes that it is well known to use such a patch structure affixed to a tarp as a means by which to anchor a tarpaulin to other structures such as buildings, columns, stakes fences, etc. Examiner notes that the integral loop structure or strap with a holed bored into it reads on both fixing portion and auxiliary fixing means.

Weber fails to teach that the patch is attached to a tarp by incorporating a woven fabric structure having meltable thermoplastic threads into the patch so that the need for a separate adhesive is eliminated. Oellerking discloses a fabric comprising a welding portion and a fixing portion. The welding portion comprises a weldable plastic material. The fabric may also comprise a fixing portion, (i.e., a non-coated portion). Since a fabric necessarily comprises fibers and since the weldable material comprises warp fibers and since the weldable material comprises a thermoplastic coating on a fabric, Oellerking inherently teaches that the welding portion comprises warp fibers which are coated with a thermoplastic material (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15). Oellerking's welding fabric is also referenced as a patch (Col 3, lines 15-21). Since the thermoplastic material coated fabric in Oellerking's patch functions as an integral bonding mechanism, it would have been obvious for one of ordinary skill to have incorporated the welding fabric disclosed by Oellerking into Weber's structure motivated by the desire to improve the application efficiency of the Weber's patch.


Weber and Oellerking as set forth above fails to teach that the welding portion extends only across part of the width of the welding fabric; that the

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welding portion is only at each end of the width of the welding fabric; that the welding portion is solely in the middle portion of the welding fabric; that the welding portion is solely at each end of the welding fabric. However, since both references teach that a weldable coating is applied to facilitate bonding the fabric to a substrate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the weldable coating to the fabric in the pattern which would have most facilitated the bonding of the fabric to a substrate.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Caldarola
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Technology Center 1700